

DOCKET NO.: DIBIS-0003US (Counsel Docket No. 10310)

PATENT

REMARKS

Applicants thank the Examiner for discussing the claim amendments and the support thereof during the October 11, 2006 telephonic interview.

Claims 69-76, 78, 80-83, 85-92, 94, 96-99 and 101-104 are pending in the present application. Claims 79, 84, 95 and 100 have been canceled. Claims 69 and 85 have been amended. The claim amendments add no new matter.

Claims 69 and 85 have been amended to recite that the primer pairs hybridize to the conserved regions of at least nineteen bioagents. Support for this amendment is found throughout the specification as filed. For example, in Table 7, which is on page 31 of the application, there is a recitation of nineteen bioagents, and a recitation of three primer pairs that will hybridize with the conserved regions of these bioagents to generate a base composition. The base compositions generated for each of the representative primer pair shown in the table are unique for nine, eight and five of the bioagents, respectively. Other tables showing more than nineteen bioagents and their unique base compositions generated using a primer pair are shown in the specification as well. For example, at Tables 2 and 6 in the specification at pages 26 and 29. Thus, Applicants respectfully submit that the amendments are fully supported by the specification. No new matter has been added.

Claim Rejections**I. Rejections under 35 USC § 112 first paragraph**

Claims 69-104 were rejected under 35 U.S.C. §112 first paragraph as allegedly failing to comply with the written description requirement. Examiner alleges that the incorporation of a range of 8 in the comparison of calculated bioagents appears to be new matter. Claims 79, 84, 95 and 100 have been canceled. Applicants do not concede that the Examiner's argument is correct. Rather, in order to expedite prosecution of this case, Applicants have amended independent claims 69 and 85 to recite that the primer pairs hybridize with the target sequence of at least nineteen bioagents, flank variable regions that are unique for at least eight of the bioagents and that the comparison database comprises at least nineteen bioagents. These elements are included in the dependent claims. Thus, Applicants respectfully submit that claims 69-76, 78, 80-83, 85-92, 94, 96-99 and 101-104 do not present new matter, and request that this rejection is withdrawn.

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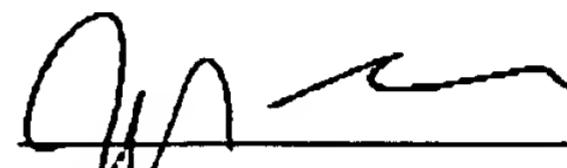
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Conclusions

OCT 11 2006

In view of the foregoing, Applicants submit that the claims of the instant application are in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative if there should be any questions with regard to the claimed invention.

Respectfully submitted,



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